

NOTICE OF RECEIPT WATER RIGHT APPLICATION

(Pursuant to Section § 85-2-307(1), MCA)

Summarized below are the application details as described in an Application to Change of Appropriation Water Right received by the Department of Natural Resources & Conservation on NOVEMBER 13, 2023. This notice reflects the application details only as originally submitted. The notice does not reflect changes to the application details made during the review process.

Application Number: 40B 30162006

Applicant: FLOWEREE LAND & CATTLE CO LLC
4230 OESTERLE RD
HELENA, MT 59602

WATER RIGHT NUMBER(S) BEING CHANGED

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	40B-9163	APRIL 1, 1900
STATEMENT OF CLAIM	40B-9164	JULY 19, 1895
STATEMENT OF CLAIM	40B-9165	JULY 19, 1895
STATEMENT OF CLAIM	40B-9167	JUNE 15, 1899

PAST USE OF WATER

STATEMENTS OF CLAIM 40B 9163 00; 40B 9164 00; 40B 9165 00; AND 40B 9167 00 SHARE THE SAME (20) POU AND HAVE HISTORICALLY BEEN USED FOR IRRIGATION.***

CURRENT POU (WITH ACRES AND GEOCODE), ALL IN PETROLEUM COUNTY:

1. NE SECTION 2, T12N, R26E; ACRES: 50.50; GEOCODE 55-2147-02-1-01-01-0000
2. NENW, SECTION 2 T12N, R26E; ACRES: 37.00; GEOCODE 55-2147-02-1-01-01-0000
3. S2NW, SECTION 2 T12N, R26E; ACRES: 44.00; GEOCODE 55-2147-02-1-01-01 -0000
4. W2SW, SECTION 2 T12N, R26E; ACRES: 37.00; GEOCODE 55-2147-02-1-01-01-0000
5. E2NESE, SECTION 3 T12N, R26E; ACRES 15.00; GEOCODE 55-2147-03-3-03-01-0000
6. S2SE, SECTION 3 T12N, R26E; ACRES 35.00; GEOCODE 55-2147-03-3-03-01-0000
7. S2SE, SECTION 9 T12N, R26E; ACRES 26.25; GEOCODE 55-2147-09-4-03-01-0000
8. NE, SECTION 10 T12N, R26E; ACRES: 19.00; GEOCODE 55-2147-10-4-02-01-0000
9. SENW, SECTION 10 T12N, R26E; ACRES: 4.00; GEOCODE 55-2147-10-4-02-01-0000
10. SW, SECTION 10 T12N, R26E; ACRES: 23.00; GEOCODE 55-2147-10-4-02-01-0000
11. E2NE, SECTION 15 T12N, R26E****; ACRES: 35.50; GEOCODE 55-2147-15-1-01-01-0000
12. NE, SECTION 16 T12N, R26E; ACRES: 130.00; GEOCODE 55-2147-16-1-01-01-0000
13. E2E2NW, SECTION 16 T12N, R26E; ACRES: 17.00; GEOCODE 55-2147-16-1-01-01-0000
14. N2N2SE, SECTION 16 T12N, R26E; ACRES: 8.50; GEOCODE 55-2147-16-1-01-01-0000
15. N2NESW, SECTION 16 T12N, R26E; ACRES: 5.00; GEOCODE 55-2147-16-1-01-01-0000
16. SESW, SECTION 26 T13N, R26E; ACRES: 4.00; GEOCODE 55-2248-26-1-03-01-0000
17. NE, SECTION 34 T13N, R26E; ACRES: 100.00; GEOCODE 55-2248-34-1-01-01-0000
18. SE, SECTION 34 T13N, R26E; ACRES: 93.00; GEOCODE 55-2248-34-1-01-01-0000
19. E2SW, SECTION 34 T13N, R26E; ACRES: 21.00; GEOCODE 55-2248-34-1-01-01-0000
20. NW, SECTION 35 T13N, R26E; ACRES: 27.00; GEOCODE 55-2248-35-1-02-01-0000

PROPOSED CHANGE

APPLICANT IS PROPOSING TO CHANGE THE POINTS OF DIVERSION (POD) FOR STATEMENTS OF CLAIM (SOC) 40B 9163 00; 40B 9164 00; 40B 9165 00; AND 40B 9167 00. TWO OF THREE CURRENT POD ARE PROPOSED TO BE REMOVED. LOCATIONS OF THE TWO POD PROPOSED FOR RETIREMENT ARE: NESWNE SECTION 2 TOWNSHIP 12N RANGE 26E AND SESWNW SECTION 16 T12N R 26E, BOTH IN PETROLEUM COUNTY. THE SOLE REMAINING POD WILL THEN BE AT NWSWSE SECTION 9 T12N R26E, ALSO IN PETROLEUM COUNTY. ALL FOUR WATER RIGHTS WILL CONTINUE TO BE USED FOR IRRIGATION.

THE APPLICANT ALSO PROPOSES TO CHANGE THE PLACE OF USE (POU),* DECREASING THE NUMBER OF POU FROM 20, TO SIX. THE APPLICANT IS PROPOSING TO REDUCE MAXIMUM ACREAGE FROM 731.75 ACRES TO 145.5 ACRES.

PROPOSED POU, WITH PROPOSED ACREAGE (ALL IN PETROLEUM COUNTY):

1. SENW, SECTION 10, T12N, R26E; ACRES: 4.5
2. W2NE, SECTION 10, T12N, R26E; ACRES 31.0
3. NENE, SECTION 10, T12N, R26E; ACRES: 10.0
4. SWSE, SECTION 3, T12N, R26E; ACRES: 2.75
5. E2SE, SECTION 3, T12N, R26E; ACRES: 49.75
6. W2SW, SECTION 2, T12N, R26E; ACRES: 47.5**

ADDITIONAL INFORMATION

*SIMULTANEOUSLY WITH THIS APPLICATION, THE APPLICANT HAS FILED AN APPLICATION RELATED TO 40B 9166 00 (APPLICATION # 40B 30162007), SEEKING TO CHANGE ITS POINTS OF DIVERSION, ITS PLACES OF USE, (AND ITS METHOD OF CONVEYANCE). WATER RIGHT 40B 9166 00 IS SENIOR TO THE FOUR RIGHTS IN THIS APPLICATION AND CURRENTLY SHARES POU WITH THE FOUR RIGHTS LISTED IN APPLICATION 40B 30162006. IF THE REQUESTS IN APPLICATION 40B 30162007 ARE GRANTED, THE APPLICANT IS WILLING TO ABANDON MANY OF THE PLACES OF USE FOR THE 4 RIGHTS LISTED IN APPLICATION 40B 30162006 AND REDUCE THE NUMBER OF ACRES IRRIGATED UNDER THESE RIGHTS. THEREFORE, WITH THIS APPLICATION 40B 30162006, IF ITS APPLICATION FOR CHANGES TO 40B 9166 00 (APPLICATION # 40B 30162007) IS GRANTED IN FULL, THE APPLICANT PROPOSES TO CHANGE THE PLACES OF USE FOR EACH OF THESE FOUR WATER RIGHTS WATER RIGHTS LISTED IN APPLICATION 40B 30162006. THE APPLICANT ASSERTS THAT APPLICATIONS 40B 30162007 AND 40B 30162006 THEN "MUST" BE CONSIDERED TOGETHER AS ONE PACKAGE. IF THE APPLICANT'S REQUESTED CHANGES IN ITS APPLICATION ON 408 9166 00 ARE NOT GRANTED IN THEIR ENTIRETY, APPLICANT EXPRESSLY WITHDRAWS THIS APPLICATION (40B 30162006) AND ALL CHANGES REQUESTED HEREIN."

**IN ADDITION TO PROPOSED POD AND POU CHANGES, THE APPLICANT PROPOSES TO SHORTEN THE PERIOD OF DIVERSION FROM MARCH 15-NOV 15 TO MARCH 15-JUL 31.

***SOC 40B 9163 00; 40B 9164 00; 40B 9165 00; AND 40B 9167 00 HAVE THE SAME PLACES OF USE AS THE APPLICANT'S SENIOR RIGHT, 408 9166 00.

****THERE APPEARS TO BE A TYPOGRAPHICAL ERROR IN THIS LEGAL DESCRIPTION; THE APPLICANT HAS FILED A MOTION WITH THE WATER COURT SEEKING TO CORRECT THIS ERROR TO ITS ORIGINAL NOTED DESCRIPTION: NW, SECTION 15, T12N, R26E.

In general, the department will make a preliminary determination to grant or deny this application within 120 days of the date the application is deemed correct and complete. That date is currently unknown. If the preliminary determination is to grant the application, the application will be published in the local newspaper and a notice will be sent to appropriators who, according to the department records may be affected by the proposed appropriation. Individuals will have at least 15 days and no more than 60 days (specific deadline will be identified at time of notice) to submit an objection under § 85-2-308, MCA, after the application has been published in the newspaper.

Direct questions regarding this application to the Water Resources Regional Office, 613 NE MAIN, SUITE E, LEWISTOWN, MT 59457-2020 PHONE: 406-538-7459